

B2 6/9. (new) A method as claimed in claim 1, wherein the plant is a grapevine.  
cont

REMARKS

Claims 1-4 and 6-9 are pending.

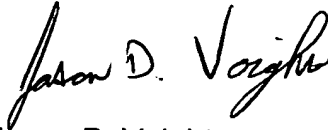
Claims 1-4 stand rejected under 35 U.S.C. 102(a) as being anticipated by Basak et al. (Acta Horticulture, 2000, 514, pp. 41-50). Applicants respectfully traverse this rejection. This reference is not prior art with respect to the present application. The European Patent Office registered a certified copy of the priority document on August 9, 2000. It is believed that this information has been forwarded to the USPTO by the International Bureau.

Claims 1-4 stand rejected under 35 U.S.C. 102(b) as being anticipated by Miyazawa et al. (Brighton Crop Prot. Conf. -- Weeds, 1991, vol. 3, pp. 967-72). Miyazawa et al. teaches the use of prohexadione as an antilodging agent for wheat and as a growth retardant for turf grasses. Miyazawa et al. does not teach that this use would result in an increase and qualitative modification of the content of flavenoids and phenolic compounds. Therefore, Miyazawa et al. would not have motivated one having ordinary skill in the art to treat plants other than those specifically listed. Applicants have canceled oats, wheat and rye from claim 1, and urge that the application is now in condition for allowance.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF

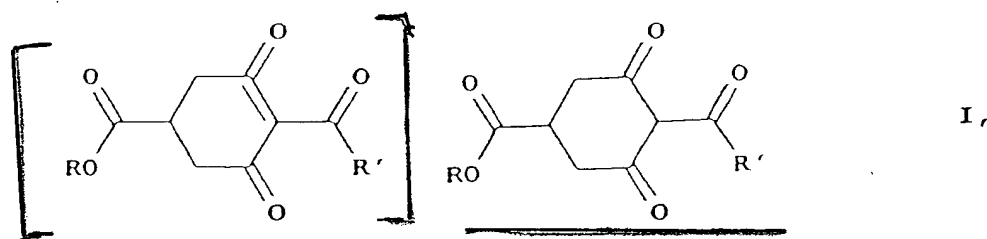
A handwritten signature in black ink, reading "Jason D. Voight". The signature is written in a cursive style with a large, stylized "V" and "t".

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**Marked-up version of amended claims to show changes made.**

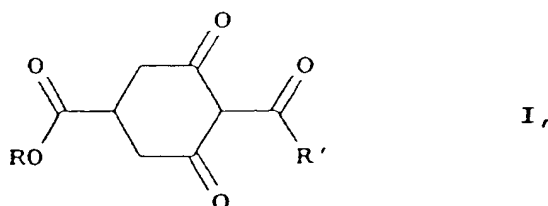
1. (amended) A method of increasing and qualitatively modifying the content of flavonoids and phenolic constituents in a plant selected from grapevines, cherries, plums, sloes, blueberries, strawberries, citrus fruit, pawpaw, red cabbage, broccoli, Brussels sprouts, kale, carrots, parsley, celery/celeriac, onions, garlic, tea, coffee, cacao, maté, hops, soya, oilseed rape, [oats, wheat, rye,] *Aronia melanocarpa* or *Ginkgo biloba*, which comprises treating the [plants] plant with an acylcyclohexanedione of the formula I



where R is hydrogen or C<sub>1</sub>-C<sub>6</sub>-alkyl and R' is C<sub>1</sub>-C<sub>6</sub>-alkyl or C<sub>3</sub>-C<sub>6</sub>-cycloalkyl, or with a suitable salt of I.

### Clean version of amended claim

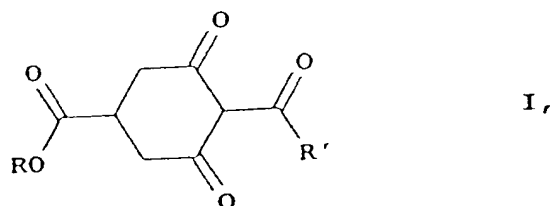
1. A method of increasing and qualitatively modifying the content of flavonoids and phenolic constituents in a plant selected from grapevines, cherries, plums, sloes, blueberries, strawberries, citrus fruit, pawpaw, red cabbage, broccoli, Brussels sprouts, kale, carrots, parsley, celery/celeriac, onions, garlic, tea, coffee, cacao, maté, hops, soya, oilseed rape, *Aronia melanocarpa* or *Ginko biloba*, which comprises treating the plant with an acylcyclohexanedione of the formula I



where R is hydrogen or C<sub>1</sub>-C<sub>6</sub>-alkyl and R' is C<sub>1</sub>-C<sub>6</sub>-alkyl or C<sub>3</sub>-C<sub>6</sub>-cycloalkyl, or with a suitable salt of I.

CLAIMS 1-4 and 6-9 October 10, 2002

1. A method of increasing and qualitatively modifying the content of flavonoids and phenolic constituents in a plant selected from grapevines, cherries, plums, sloes, blueberries, strawberries, citrus fruit, pawpaw, red cabbage, broccoli, Brussels sprouts, kale, carrots, parsley, celery/celeriac, onions, garlic, tea, coffee, cacao, maté, hops, soya, oilseed rape, *Aronia melanocarpa* or *Ginko biloba*, which comprises treating the plant with an acylcyclohexanedione of the formula I



where R is hydrogen or C<sub>1</sub>-C<sub>6</sub>-alkyl and R' is C<sub>1</sub>-C<sub>6</sub>-alkyl or C<sub>3</sub>-C<sub>6</sub>-cycloalkyl, or with a suitable salt of I.

2. A method as claimed in claim 1, wherein the plants are treated with an acylcyclohexadione of the formula II and/or the formula III
3. A method as claimed in claim 1, wherein the content of flavonoids and phenolic constituents of grapevines is increased and qualitatively modified.
4. A method as claimed in claim 1, wherein the content of flavonoids with an unsubstituted C atom in the 3-position, and of the oligomers and polymers of these flavonoids, is increased.
6. An extract, juice, wine or press cake with an increased qualitatively modified content of flavonoids and other phenolic constituents, obtainable from grapes of

a red grapevine variety, the grapevine plant previously having been treated with at least one acylcyclohexadione of the formula I, II or III as set forth in claim 1.

7. A curative composition, health promoting composition or tonic for humans or animals, or a cosmetic comprising the plant selected from grapevines, cherries, plums, sloes, blueberries, strawberries, citrus fruit, pawpaw, red cabbage, broccoli, Brussels sprouts, kale, carrots, parsley, celery/celeriac, onions, garlic, tea, coffee, cacao, maté, hops, soya, oilseed rape, oats, wheat, rye, *Aronia melanocarpa* or *Ginkgo biloba* or a part of the plant or a product prepared with the plant selected from juices, teas, extracts, fermentation products or fermentation residues, wherein said plant has been treated with the acylcyclohexanedione of claim 1.
8. A method as claimed in claim 1, wherein the plant is an apple plant.
9. A method as claimed in claim 1, wherein the plant is a grapevine.